

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-27 are pending in this application. Claims 1, 13, 14, and 25-27 are independent. The remaining claims depend, directly or indirectly, from claims 1 and 14.

Claim Amendments

Independent claims 1, 13, 14, and 25-27 have been amended to clarify that the “usage pattern specifies at least one of a plurality of persistent objects and at least one of a plurality of attributes within the at least one of the plurality of persistent objects.” Support for this amendment may be found, for example, on paragraphs [0018], [0021], and [0023] of the instant specification. Dependent claims 2, 11, 15, and 23 have been amended to address the antecedent basis issues arising from the amendments made to the aforementioned independent claims. No new matter has been added by any of the aforementioned amendments.

Rejection(s) under 35 U.S.C. §103

Claims 1, 2, 4-10, 13-22, and 25-27 stand rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,321,240 (“Chilimbi”) in view of U.S. Patent No. 6,098,064 (“Pirolli”). To the extent that this rejection applies to the amended claims, the rejection is respectfully traversed.

The invention, as recited in amended independent claim 1, is directed to a method for transparently optimizing data access. In particular, data access is optimized by gathering

information related to the data usage of the system in order to generate a usage pattern of the system. As recited in claims, the usage pattern specifies at least one persistent object (e.g., an Enterprise JavaBean) and at least one attribute within the persistent object (See Instant Specification, Figure 2) used by the system. Thus, the usage pattern for the system only includes the persistent objects and attributes associated with the persistent objects that are used by the system. The remaining attributes within a given persistent object that are not used by the system are not included in the usage pattern. In addition, the claims, as amended, clarify that the data is stored as persistent objects in a persistent data store.

Turning to the rejection, to establish a *prima facie* case of obviousness "...the prior art reference (or references when combined) must teach or suggest all the claim limitations." (See MPEP §2143.03). Further, "all words in a claim must be considered in judging the patentability of that claim against the prior art." (See MPEP §2143.03). The Applicant respectfully asserts that the references, when combined, fail to teach or suggest all the claim limitations of independent claims 1, 13, 14, and 25-27.

Specifically, the Examiner has admitted that Chilimbi does not teach "determining a usage pattern of the system using gathered information" (See Office Action mailed April 8, 2005, p. 3). Further, in view of the clarifying amendments with respect to the "usage pattern," the Applicant respectfully asserts that Chilimbi does not teach or suggest "gathering information related to data usage when a system is processing using a client runtime." In particular, because the gathered information is used to generate a usage pattern, which specifies at least one persistent object and at least one attribute within the persistent object, the gathered information must necessarily include information about at least one persistent object and at least one attribute within the persistent object. Without such information, the gathered information would not be sufficient to determine the usage pattern for the system. In view of this, the Applicant

respectfully asserts that Chilimbi does not teach or suggest any mechanism to allow the system to gather information about specific attribute usage within a given persistent object.

Moreover, the Applicant respectfully asserts that Pirolli does not teach that which Chilimbi lacks. In particular, Pirolli is directed to a system that includes a mechanism to record information about a document (also referred to as web pages, *See Pirolli*, col. 1, ll. 14-16) when it is initially fetched and then to use this information to determine whether to prefetch and cache the document in the future (*See Pirolli*, FIG. 5- FIG. 8). While Pirolli discusses determining whether to prefetch and cache particular documents, Pirolli does not teach or suggest creating a usage pattern that specifies particular persistent objects and specific attributes within the persistent objects, as recited in the claim. Further, Pirolli does not teach or suggest gathering information that may be used to determine a usage pattern as recited in the claims. Specifically, Pirolli only obtains information on a per-document basis (*See Pirolli*, FIG. 5) without teaching or suggesting any mechanism to obtain information about specific persistent objects or attributes within the persistent objects. As discussed above, the gathered information must necessarily include information that may be used to determine a usage pattern as recited in the claims. Accordingly, if there is no mechanism to gather such information, the usage pattern, as recited in the claims, may not be determined.

In view of the above, Chilimbi and Pirolli, whether viewed separately or in combination, fail to teach or suggest the invention recited in amended independent claim 1. Thus, amended independent claim 1 is patentable over Chilimbi and Pirolli. Further, amended independent claims 13, 14, and 25-27 are also patentable for at least the same reason as amended independent claim 1. In addition, dependent claims (amended and original) are also patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 3 stands rejected under 35 U.S.C. § 103 as being obvious over Chilimbi and Pirolli in view of U.S. Patent 6,700,590 (“DeMesa”). As noted above, independent claim 1, from which claim 3 depends, has been amended. Thus, to the extent that this rejection still applies, this rejection is respectfully traversed.

As discussed above, Chilimbi and Pirolli do not teach or suggest all the limitations recited in amended independent claim 1. Further, the Applicant respectfully asserts that DeMesa does not teach that which Chilimbi and Pirolli lack. This is evidenced by the fact that DeMesa is only relied upon to teach “generating a business description model.” (*See* Office Action mailed April 8, 2005, p. 13). Thus, amended independent claim 1 is patentable over Chilimbi, Pirolli, and DeMesa. Further, dependent claim 4 is also patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 11, 12, 23, and 24 stand rejected under 35 U.S.C. § 103 as being obvious over Chilimbi and Pirolli in view of U.S. Patent 6,430,741 (“Mattson”). As noted above, independent claim 1, from which claims 11 and 12 depend, has been amended. Further, independent claim 14, from which claims 22 and 23 depend, has been amended. Thus, to the extent that this rejection still applies, this rejection is respectfully traversed.

As discussed above, Chilimbi and Pirolli do not teach or suggest all the limitations recited in amended independent claims 1 and 14. Further, the Applicant respectfully asserts that Mattson does not teach that which Chilimbi and Pirolli lack. This is evidenced by the fact that Mattson is only relied upon to teach “generating documentation from the usage pattern” and “displaying the usage pattern to a display device.” (*See* Office Action mailed April 8, 2005, p. 13). Thus, amended independent claims 1 and 14 are patentable over Chilimbi, Pirolli, and Mattson. Further, dependent claims 11, 12, 23, and 24 are also patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

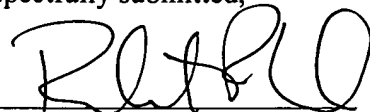
Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 16159/022001; P6423).

Dated: July 6, 2005

Respectfully submitted,

By



Robert P. Lord

Registration No.: 46,479

OSHA · LIANG LLP

1221 McKinney St., Suite 2800

Houston, Texas 77010

(713) 228-8600

(713) 228-8778 (Fax)

Attorney for Applicant